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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/991,404	11/16/2001	Kenneth C. Oesterle JR.	265-001	3309

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EXAMINER

CHRISTMAN, KATHLEEN M

ART UNIT PAPER NUMBER

3713

DATE MAILED: 02/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

CAJ

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/991,404	OESTERLE, KENNETH C.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Kathleen M Christman	3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 March 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_                      6) ☐ Other: \_\_\_\_

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## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the method for typing a word using a phonetic alphabet, the method for learning the orthographic spelling of a word, and the method for determining an orthographic spelling and definition of a word must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claims 1-3, the preamble recites "a method for typing a word" however, there is no recitation in the claimed method steps to show how a user types a word. The claimed method steps may be performed with "block" which have the bics etched on them. Regarding claims 4-7, the preamble recites "a method for learning the orthographic spelling of a word" however, the claimed method steps does not show how this result is achieved. Similarly the claimed method does not show whom or what performs the method steps. It is unclear whether this method is performed exclusively by a user or by a computer system. Similarly, the method of claims 8-11 does not clearly recite how the claimed steps are capable of "determining an orthographic spelling and definition of a word". Again it is unclear as to whom or what

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performs the claimed method. Claims 4 and 7 recite the limitation "said typeable phonetic spelling".

There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Gasper (US 4884972).

Regarding claim 1, Gasper teaches providing a plurality of bics, wherein said plurality of bics are comprised of typeable roman letters and combined typeable roman letters, see Figure 2k element 29 and col. 6: 35-38; and combining at least one of said plurality of bics to phonetically spell said word, see Figures 2c-2p. Assigning a certain sound to a unique one of each of said plurality of bics, as in claim 2, is shown in col. 10: 16-27. Arranging said bics, which include the typeable roman letters and the combined typeable roman letters into a pronunciation key, claim 3, is shown in Figures 6a-b and 9.

5. Claims 4-6, 8 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Siegel (US 5799267). Siegel teaches providing a typeable phonetic alphabet, see col. 9: 39-49 (claims 4 and 8); and providing a dictionary which is arranged based upon said typeable phonetic alphabet, see "talking Dictionary" starting in col. 4: 14+. The user spelling out the word, claims 4 and 9, is taught in Table 2 element 2 found in col. 4. Comparing and contrasting the phonetic spelling and the orthographic spelling (claim 4) is taught in table 3, found in col. 7. A pronunciation key, as in claim 5, is shown in col. 9:46-49. Assigning a certain sound to a unique one of each of the roman letters and combined roman letters, as in claim 6, is inherent to the functionality of the system. The system is incapable of producing vocalized text without each possible phoneme having an assigned textually representation.

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***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 7, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Siegel (US 5799267). Siegel teaches all aspects of the claimed invention as shown above, but fails to specifically teach: the step of comparing and contrasting including providing an alphabetical listing of words spelled using the typeable phonetic spelling and providing the orthographic spelling and definition of a word in close proximity to the phonetic spelling (claim 7 and similar limitation of claim 10); and the word being in a different language than the definition (claim 11). The examiner notes that Siegel does teach that the phonetic spelling, definition, and orthographic spelling of each word is stored in the database, see table 1 in col. 4. The examiner takes official notice that it is old well-known in the art of language education to display each of these elements to a user. The examiner also takes official notice that these practices are commonly used in the art of foreign language education. It would have been obvious to one of ordinary skill in the art to modify the Siegel system with the above so as to allow a user of the system to visual compare the phonetic and orthographic representation of a word with the actual definition so as to reinforce the relationship between the spelling, pronunciation, and definition of the word. Similarly it would have been obvious with one of ordinary skill in the art to use this system to teach foreign languages

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so as to allow the user to visualize the spelling, and pronunciation of a foreign word with its native definition and thus reinforce the relationship.

**Conclusion**

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
- a. Siegel (US 5953692) related to the above
  - b. Rai (US 6077080) teaches a system for teaching reading skills with pictures
  - c. Goldberg (US 5596656) teaches a symbol based alphabet for input into a computer
  - d. Walker (US 5421731) teaches a reading and spelling skills system which used phonetics

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kathleen M Christman whose telephone number is (703) 308-6374. The examiner can normally be reached on M-F 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa Walberg can be reached on (703) 308-1327. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.



Kathleen M. Christman



Teresa Walberg  
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